

# EXHIBIT A

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**From:** VanDoorne, Katelyn  
**Sent:** Thursday, September 21, 2023 6:38 AM  
**To:** Bill Cash  
**Cc:** Totino, Edward; Sims, Nancy; Shapiro, Peter; bsilverman@fbfglaw.com; gblankinship@fbfglaw.com; jason@kazlg.com; swarrick@levinlaw.com; mschultz@levinlaw.com; ak@kazlg.com  
**Subject:** RE: Gromov v. Belkin (Case No. 22-cv-06918) - Letter re Third-Party Subpoenas  
**Attachments:** 2023-09-20 Belkin Letter to Gromov re Third-Party Subpoenas.pdf

Bill,

I am reattaching the letter and copying the rest of your team. Apologies for not doing so in the first instance. Scott, Jason, Abbas, and team, please let us know if you are available today to discuss.

Best,  
Katelyn

**Katelyn VanDoorne**  
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**From:** Bill Cash <bcash@levinlaw.com>  
**Sent:** Wednesday, September 20, 2023 4:43 PM  
**To:** VanDoorne, Katelyn <Katelyn.Vandoorne@bakermckenzie.com>  
**Cc:** Totino, Edward <Edward.Totino@bakermckenzie.com>; Sims, Nancy <Nancy.Sims@bakermckenzie.com>; Shapiro, Peter <Peter.Shapiro@bakermckenzie.com>  
**Subject:** [EXTERNAL] Re: Gromov v. Belkin (Case No. 22-cv-06918) - Letter re Third-Party Subpoenas

Hello,

I'm on a hiking trip off the grid and am not available to meet this week. However, I sent it to my colleagues and we'll read when I am back in signal.

Bill Cash III  
Levin Papantonio Rafferty  
Pensacola, Fla.  
Direct: 850-435-7059  
Mobile: 614-264-1342

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**From:** VanDoorne, Katelyn <[Katelyn.Vandoorne@bakermckenzie.com](mailto:Katelyn.Vandoorne@bakermckenzie.com)>  
**Sent:** Wednesday, September 20, 2023 6:55:02 AM  
**To:** Bill Cash <[bcash@levinlaw.com](mailto:bcash@levinlaw.com)>  
**Cc:** Totino, Edward <[Edward.Totino@bakermckenzie.com](mailto:Edward.Totino@bakermckenzie.com)>; Sims, Nancy <[Nancy.Sims@bakermckenzie.com](mailto:Nancy.Sims@bakermckenzie.com)>; Shapiro, Peter <[Peter.Shapiro@bakermckenzie.com](mailto:Peter.Shapiro@bakermckenzie.com)>  
**Subject:** Gromov v. Belkin (Case No. 22-cv-06918) - Letter re Third-Party Subpoenas

**CAUTION:** This email  
message is **EXTERNAL**.

Bill,

Please see the attached correspondence on behalf of Belkin. Please provide dates and times this week which you are available to meet and confer regarding the issues raised in our correspondence.

Kind regards,  
Katelyn

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\* Associated Firm  
\*\* In cooperation with  
Trench, Rossi e Watanabe  
Advogados

September 20, 2023

VIA EMAIL

William Cash III  
LEVIN, PAPANTONIO, RAFFERTY, PROCTOR,  
BUCHANAN, O'BRIEN, BARR & MOUGEY, P.A.  
316 South Baylen Street, Suite 600  
Pensacola, FL 32502  
bcash@levinlaw.com

**RE: *Gromov v. Belkin International, Inc.*  
U.S.D.C Northern District of Illinois, Case No. 22-cv-06918**

Dear Bill:

We write regarding Plaintiff's document subpoenas (the "***Third-Party Subpoenas***") served on Amazon.com, Inc., Walmart Inc., Target Corporation, The ODP Corporation, and Best Buy Co., Inc., which request that these entities produced detailed sales information regarding sixty different power bank products, only 10 of which appear to be Belkin products.

Under Federal Rule of Civil Procedure 45, a party may obtain information from a non-party only if it is "relevant and proportional," and the subpoena "does not impose an undue burden." *See Craigville Tel. Co. v. T-Mobile United USA, Inc.*, 2022 U.S. Dist. LEXIS 226705, \*2, citing Fed. R. Civ. P. 45(a)(1)(A)(iii), Fed. R. Civ. P. 26(b)(1). "[N]on-party status is a significant factor to be considered in determining whether the burden imposed by a subpoena is undue because non-parties have a different set of expectations than parties . . . [w]hile parties to a lawsuit must accept the invasive nature of discovery, non-parties experience an unwanted burden." *Id.* at \*3 (internal quotations and citation omitted).

The information sought in the Third-Party Subpoenas relating to any product other than the Belkin Pocket Power 10000 is irrelevant to the claims and defenses at issue in this lawsuit, and is not proportional to the needs of the case. *See Autotech Techs. Ltd. Partnership v. Automationdirect.com, Inc.*, 235 F.R.D. 435, 440 (N.D. Ill. 2006) ("The initial inquiry in enforcement of any discovery request is one of relevance."). Rather than wait for the Court to decide the threshold issue of whether he has standing, as set out in Belkin's motion to dismiss, Plaintiff issued the Third-Party Subpoenas seeking numerous categories of documents on products he did not purchase, and products Belkin does not sell. Even assuming Plaintiff has standing to sue over other Belkin power banks other than the Power Pocket 10000—and he does not—the exhaustive sales records Plaintiff seeks



regarding power banks sold by other sellers has no possible relevance to claims against Belkin. And further still, even if the requested records could somehow be deemed relevant, they are still overbroad. *See City of Rockford v. Mallinckrodt ARD, Inc.*, 2020 U.S. Dist. LEXIS 259038, \*8-9 (N.D. Ill. May 27, 2020) (“[T]he Court has an independent duty to quash a subpoena as overbroad if it does not limit the documents requested to those relevant to the underlying action.”). The alleged misrepresentation at issue concerns charging capacity as measured in mAh. Voluminous data regarding voltage, connector type, weight, etc. have no relevance to this case.

Pursuant to Local Rule 37.2, please provide dates and times this week which you are available to meet and confer regarding the issues outlined above.

Regards,

/s/ Katelyn VanDoorne

Katelyn VanDoorne

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CC: Edward Totino (Edward.Totino@bakermckenzie.com)  
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Peter Shapiro (Peter.Shapiro@bakermckenzie.com)